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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAWN JOHNSON,

Plaintiff,

VS.

OFFICER JOSHUA SANFORD individually
and in his official capacity, SERGEANT
JUSTIN BRADLEY individually and in his
official capacity and DOES 1-5 Inclusive,

Defendants.

Case No.: 3:16-CV-00507-MMD-VPC

JOINT PRETRIAL ORDER

SUBMITTED IN COMPLIANCE WITH LR
16-3

After Pretrial proceedings in this case,

Immediate

IT IS SO ORDERED:

I.

STATEMENT OF THE CASE

Plaintiff's Statement of the Case:

This is an action by Plaintiff Dawn Johnson (“Johnson”) against two City of Reno Police Officers, Officer Joshua Sanford (“Sanford”) and Sergeant Justin Bradley (“Bradley”) for the following causes of action:

1. Fourth and Fourteenth Amendments, Excessive Force – 42 U.S.C. § 1983
2. 42 U.S.C. § 1983--Substantive Due Process Violation by BRADLEY – Punishment prior to adjudication of guilt

1 3. Pendent State Claims: Assault and Battery:

2 4. Pendent State Claim: Infliction of Emotional Distress

3 5. Punitive Damages

4 On December 19, 2015 Sanford arrested Johnson at her home in Reno, NV for a domestic
5 battery. Johnson has since had the domestic battery charge dismissed. Sanford transported Johnson
6 to the Washoe County Jail located at 911 Parr Blvd. in Reno, NV. Upon reaching the intake
7 hallway in the Washoe County Jail Sanford asked Johnson to sit down on the bench while her
8 hands were handcuffed behind her back. Johnson did not sit down and Sanford grabbed Johnson
9 and took her to the floor which is made of concrete. Sanford knelt on Johnson's back and left arm
10 for a few moments while she was on the floor and then proceeded to help her to her feet.

11 At some point in this series of events Johnson's left humerus bone broke in half. Johnson
12 was transported by ambulance to Renown Regional Medical Center with handcuffs and a chain
13 around her waist even though she was severely injured. Johnson arrived at Renown without a way
14 to remove the restraints and the Renown Staff was required to use bolt cutters to remove the
15 restraints.

16 At Renown it was determined that Johnson would need surgery on her arm as soon as the
17 next Monday, which was two days away. Later that evening, Officer Travis Look who was
18 assigned to prisoner transport on December 19, 2015 came to Renown to retrieve Johnson. Dr. Thea
19 Berning recommended that Johnson not be booked into the jail due to the seriousness of her injuries
20 and that doing so could complicate any issues Johnson had with her broken arm. Dr. Berning also
21 advised Officer Look that Johnson had nerve damage to the arm and likely had radial nerve palsy
22 due to the severity of the broken arm.

23 Officer Look contacted Bradley and advised him of the injuries and the recommendation of Dr.
24 Berning. Bradley, with total disregard for Johnson's health, ordered Officer Look to transport
25 Johnson back to the Washoe County Jail. Johnson was transported back to the Washoe County Jail
26 where she spent 12 hours locked in a cell in pain.

27 **Defendant's Statement of the Case:**

28 On December 19, 2015, Reno Police Officers responded to a domestic violence call at 4959

1 Talbot Lane, Apt. #166. Upon arrival, the officers met the reporting party, 52 year old Dawn
2 Johnson, who was standing at the bottom of a stairway leading to her second story apartment which
3 she shared with her 60 year old boyfriend, Raymond Carter. Dawn Johnson was observed to be
4 grossly intoxicated under the influence of alcohol and refused to provide any information to the
5 officers. The officers went to Ms. Johnson's apartment and spoke with her boyfriend Raymond
6 Carter. Raymond was covered in egg shells and egg yolk on the top his head and dripping down the
7 right side of his face.

8 Raymond reported that Dawn Johnson had been out drinking alcohol all day and came home
9 yelling at him and berating him for a variety of things. She berated his manhood and started
10 punching him in the face. She then went into the kitchen and returned with eggs in her hands and
11 smashed them on his head. When he ordered her to leave the house, she called 911 and walked
12 down the stairs to the sidewalk.

13 Defendant Officer Sanford placed Dawn Johnson under arrest for Domestic Battery. He
14 placed her into handcuffs and transported her to the Washoe County Jail at 911 E. Parr Blvd., Reno,
15 Nevada. At the Washoe County Jail Dawn Johnson became defiant and refused to comply with
16 Officer Sanford's commands that she sit down in the prisoner waiting area. Instead, she tightened
17 her body and braced herself against a wall. She refused his verbal demands to stop resisting and to
18 sit down. This caused Officer Sanford to grab both her arms and place her on the floor to gain her
19 compliance. This was observed by Reno Police Officers Travis Look, Jeremie Pordon and witness
20 Eric Bunce.

21 Officer Sanford and Sergeant Bradley are both sued in their "official capacity". A §1983
22 claim asserted against an individual in his or her "official capacity" is synonymous with a §1983
23 claim against the municipality that employs the individual. "[O]fficial-capacity suits generally
24 represent only another way of pleading an action against an entity of which an officer is an
25 agent..." *Monell v. Department of social services*, 436 U.S. 658, 691 (1978). However, the
26 Complaint fails to name or plead a §1983 claim against the City of Reno. The officers are sued
27 individually and the City of Reno is not a party in this litigation.

28

1 There is uncertainty as to when and where Plaintiff injured her arm. Plaintiff told the nurse
2 at the Carson Valley Medical Center that she injured her arm walking down stairs. On the night of
3 her arrest, the police found Plaintiff standing at the foot of a stairway leading up to Plaintiff's
4 apartment. Plaintiff had walked down the stairway while highly intoxicated on alcohol after her
5 fight with Raymond Carter. While she was in the custody of Officer Sanford, she never complained
6 about any injury to her arm. When Officer Sanford picked Plaintiff up from the floor at the County
7 jail he lifted her up by her shoulders. Even then she did not complain that her arm was injured.
8 After Plaintiff was placed in the custody of the Washoe County Deputies she was searched and
9 placed in belly-chains. It was during her interaction with the Sheriff Deputies that Plaintiff
10 complained for the first time that her arm was hurting her. Thus, the injury to her arm may have
11 occurred while Plaintiff was in the custody of Washoe County. For that reason Washoe County is
12 an indispensable party to this action under FRCP 19.

13 Officer Sanford and Sergeant Bradley are also sued in their "individual capacity". In their
14 Answer to the Second Amended Complaint both Bradley and Sanford pled "qualified immunity" as
15 an affirmative defense. See, Answer to Second Amended Complaint (Doc 42), Eleventh
16 Affirmative Defense. Qualified immunity is immunity from suit for damages. "[G]overnment
17 officials performing discretionary functions [are entitled to] a qualified immunity, shielding them
18 from civil damages liability as long as their actions could reasonably have been thought consistent
19 with the rights they are alleged to have violated." *Anderson v. Creighton*, 483 U.S. 635, 638 (1987)
20 (citations omitted); see also, *Wood v. Moss*, 134 S. Ct. 2056, 2066-67 (2014) ("The doctrine of
21 qualified immunity protects government officials from liability for civil damages..."); *Krainski v.*
22 *Nevada ex. Rel. Bd. Of Regents*, 616 F.3d 963, 968 (9th Cir. 2010); *Richardson v. McKnight*, 521
23 U.S. 399, 407-08 (1997); *Sorrels v. McKee*, 290 F.3d 965, 969 (9th Cir. 2002). Thus, qualified
24 immunity shields Officer Sanford and Sergeant Bradley from civil damages in their individual
25 capacities.

26 The Reno Police Department conducted an internal Use of Force Investigation to determine
27 whether Officer Sanford had used excessive force against Dawn Johnson. The report concluded
28

1 that Officer Sanford's use of force against Dawn Johnson was not excessive and was in compliance
2 with Reno Police Department guidelines.

3 In Plaintiff's First Claim for Relief, Sergeant Bradley is accused of violating Plaintiff's
4 alleged constitutional right to be free from "summary punishment" when he returned Plaintiff to the
5 County jail after her release from Renown. Similarly, in Plaintiff's Second Claim for Relief
6 Sergeant Bradley is accused of punishing Plaintiff by returning Plaintiff to the County jail after her
7 release from Renown. However, because Plaintiff was in police custody after being arrested for
8 Battery Constituting Domestic Violence, NRS 171.137 required Defendant Sanford to arrest
9 Plaintiff once he had probable cause to believe that Plaintiff committed battery upon the person she
10 was residing with. Pursuant to NRS 178.484 a person arrested for a battery that constitutes
11 domestic violence must remain in custody for a twelve hour (12) "cooling-off" period and cannot
12 be admitted to bail sooner than 12 hours after arrest.

13 As part of Plaintiff's treatment at Renown her arm was x-rayed, her broken arm was placed
14 in a splint, she received medication and she was discharged from the hospital. Upon discharge from
15 the hospital Plaintiff had to remain in the custody of the Reno Police and under arrest for the
16 duration of the 12 hour "cooling-off" period. Therefore, she was returned to the Washoe County
17 Jail. Defendant Bradley had no authority to release Plaintiff or to modify her arrest and detention at
18 the Washoe County Jail. Therefore, Plaintiff's return to jail was rationally related to a legitimate
19 governmental objective; to keep Plaintiff under arrest and in custody at the jail for the duration of
20 the 12 hour "cooling-off" period as required by Nevada law.

21 II.

22 STATEMENT OF JURISDICTION

23 1. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1331, 1343, 2201; 19 42
24 U.S.C. § 1983 and 1988; and pendent state claims.

25 2. Venue in this action is appropriate in the District of Nevada pursuant to 28 U.S.C.
26 Section 1391(b).
27
28

1 III.

2 **Statement of Uncontested Facts Which Require No Proof:**

3 A. Plaintiff:

4 The following facts are admitted by the Parties and require no proof:

5 On December 19, 2015 Sanford arrested Johnson at her home in Reno, NV for a domestic
6 battery. Johnson has since had the domestic battery charge dismissed. Sanford transported Johnson
7 to the Washoe County Jail located at 911 Parr Blvd. in Reno, NV.

8 The Washoe County Sheriff's determined that Johnson had a deformity in her arm and
9 refused to admit her into the Jail. Johnson was transported by ambulance to Renown Regional
10 Medical Center. At Renown it was determined that Joh had a broken left humerus. After being
11 released from Renown, Johnson was returned to the Washoe County Jail where she was admitted.

12 B. Defendant:

13 1. At all relevant times Defendant Joshua Sanford was employed as a police officer with
14 the Reno Police Department.

15 2. At all relevant times Defendant Justin Bradley was employed as a Police Sergeant
16 with the Reno Police Department.

17 IV.

18 THE FOLLOWING FACTS, THOUGH NOT ADMITTED, WILL BE CONTESTED AT
19 TRIAL BY EVIDENCE TO THE CONTRARY:
20

21 Plaintiff: That Sanford broke Johnson's arm. That Bradley knew of the seriousness of
22 Johnson's injury and still had her brought back to the jail.

23 Defendant: None.

24 V.

25 **STATEMENT OF CONTESTED ISSUES OF FACT**

26 **A. Plaintiff's Statement of Contested Issues of Fact**

27 The following are the issues of fact to be tried and determined at trial.
28

Whether Officer Sanford broke Ms. Johnson's arm. Whether Officer Bradley knew of the seriousness of Johnson's injury and still had her brought back to the jail after being released from Renown.

B. Defendant's Statement of Contested Issues of Fact

The following are the issues of fact to be tried and determined upon trial:

1. Whether on December 19, 2015, Defendant Sanford grabbed Plaintiff Johnson and threw her to the concrete floor at the Washoe County Jail at 911 Parr Blvd. in Reno, Nevada.

2. Whether Defendant Sanford knelt on Plaintiff Johnson's back and left arm for a few moments while she was on the floor at the Washoe County Jail and then proceeded to yank on her arm to help her to her feet.

3. Whether Defendant Sanford broke Plaintiff Johnson's left humerus bone in half during the course of throwing Johnson onto the concrete floor at the Washoe County Jail, then kneeling on her arm and picking her up.

4. Whether Johnson's left humerus bone was injured or broken during the physical altercation she had with her boyfriend, Raymond Carter on December 19, 2015, prior to the time that Defendant Sanford placed her under arrest for domestic violence.

5. Whether Johnson's left humerus bone was injured or broken when she fell down stairs prior to her arrest on December 19, 2015, as she told a nurse at the Carson Valley Medical Center.

6. Whether Johnson's left humerus bone was broken while she was in the custody of the Washoe County Sheriff Deputies at the Washoe County Jail on December 19, 2015.

7. Whether Police Officer Travis Look contacted Defendant Bradley on December 19, 2015, and advised him of the recommendation of Dr. Berning that Johnson not be booked into the Washoe County Jail due to the seriousness of her injuries and that doing so could complicate any issues Johnson had with her broken arm.

8. Whether the force used by Defendant Sanford against Johnson at the Washoe County Jail was excessive and unreasonable under the circumstances.

1 Federal law provides that the plaintiff may recover damages if the defendant, acting under
 2 color of law, deprived her of a right guaranteed by the Constitution. The right at stake here is the
 3 right of a pretrial detainee to be free from the use of excessive force that is used to punish. The
 4 parties have agreed that Bradley acted “under color” of law. The only issue therefore, is the issue of
 5 whether Bradley used excessive force that amounts to punishment.
 6

7 In order to prove her claim of unconstitutionally excessive force used to punish, Johnson
 8 must prove by a preponderance of the evidence the following: First, that Bradley intentionally,
 9 rather than negligently, used excessive force on the Johnson; and Second, that the use of excessive
 10 force against Johnson was for the purpose of punishment. It is not necessary to find that Bradley
 11 knew that punishing Johnson would deprive Johnson of her constitutional rights in order to find in
 12 favor of Johnson. Johnson is entitled to relief if Bradley intentionally used excessive force for the
 13 purpose of punishment against Johnson.
 14

15 With regard to the state claim of assault, Johnson must prove that Sanford and Bradley
 16 intentionally placed her in reasonable apprehension of immediate bodily harm. For the State claim
 17 of battery, Johnson must prove that Sanford and Bradley used willful and unlawful force or
 18 violence upon her without her consent. With regard to the state claim of emotional distress,
 19 Johnson must prove 1. That Sanford and Bradley engaged in extreme and outrageous conduct with
 20 either the intention of, or reckless disregard for, causing emotional distress; 2. Johnson suffered
 21 severe or extreme emotional distress; 3. The emotional distress was [actual or] proximately caused
 22 by the defendant's conduct; and 4. Johnson suffered damages.
 23

24 **B. Defendants’ Statement of Contested Issues of Law**

25 The following are the issues of law to be tried and determined at trial:
 26

27 1. Whether Defendant Sanford’s use of force against Johnson was excessive and
 28

1 unreasonable in violation of the Fourth and Fourteenth Amendments, and actionable under section
2 1983

3 2. Whether Defendant Bradley's decision to return Johnson to the Washoe County jail after
4 her release from Renown Medical Center constituted "summary punishment" in violation of the
5 fourth and fourteenth Amendments and is actionable under section 1983.

6 3. Whether Defendant Bradley's decision to return Johnson to the Washoe County Jail
7 constituted punishment of a pretrial detainee prior to adjudication of guilt in violation of substantive
8 due process and is actionable under section 1983.

9 4. Whether Defendant Sanford's use of force against Johnson constituted an assault and
10 battery under Nevada Law.

11 5. Whether an award of punitive damages is recoverable against Defendants Sanford and
12 Bradley when sued in their official capacity.

13 6. Whether damages are recoverable against Defendants Sanford and Bradley when they are
14 sued in their official capacity.

15 7. Whether Defendants Sanford and Bradley are protected by the doctrine of qualified
16 immunity and, if so, whether the doctrine of qualified immunity protects them from liability for
17 civil damages when sued in their individual capacity.

18 8. Whether Washoe County and the Washoe County Sheriff's Office are indispensable
19 parties to this litigation.

20 9. Whether Defendants are immune from liability in this matter pursuant to NRS 41.032.

21 10. Whether the acts of Defendants Sanford and Bradley were objectively reasonable in light
22 of the facts and the totality of the circumstances confronting them without regard to their
23 underlying intent or motivation.

24 11. When sued in their official capacity the acts of each named Defendant must be pursuant
25 to a municipal policy, custom or practice.

26 12. A supervisor is only liable for constitutional violations of subordinates if the supervisor
27 participated in or directed the violations, or knew of the violations and failed to act to prevent them.

28 There is no respondeat superior liability under section 1983.

13. Defendant Bradley's decision to send Johnson back to the Washoe County Jail after her release from Renown was not "punishment" because the decision was reasonably related to a legitimate governmental objective.

(a) The parties reserve the right to offer into evidence the following exhibits at trial:

(1) Plaintiff's exhibits.

No.	Document	Bates Label
1.	Reno Police Department Report # RPD 15-268140	DJ000001 - DJ000015
2.	Remsa Ambulance bill and records	DJ000016 - DJ000022
3.	Renown Health bill and records	DJ000023 - DJ000094
4.	B Bottenberg Practice bills and records	DJ000095- DJ000113
5.	Reno Orthopaedic Clinic bills and records	DJ000114-DJ000135
6.	Carson Valley Medical Center bills and records	DJ000136 – DJ000154
7.	Reno Orthopaedic Clinic record for date of visit November 17, 2016	DJ000155 – DJ000157
8	Great Basin Orthopaedics	DJ000158 – DJ000165
9	Defendant's Video of Arrest hall and sally port at the Washoe County Jail.	COR-00001
10.	Defendant's Audio recording from Sgt. Bradley's conversation with Plaintiff	COR-00002
11.	Video of Plaintiff's arrival at Washoe County Jail	DJ000167
12.	Pictures taken by Dawn Johnson of the staircase in front of her house	DJ000168- DJ000170
13.	Pictures of Dawn Johnson's injuries	DJ000171- DJ000188
14.	Picture of Dawn Johnson with her son	DJ000189
15.	Dawn Johnson's veterinary technician license	DJ000190
16.	Kent Gabriel MD bill and medical records	DJ000191 – DJ000195
17.	Arresting/Transporting officer questionnaire	DJ000196

(2) Defendant's exhibits.

1. COR-00001: Video (CD) of Arrest Hall and Sally Port at the Washoe County Jail.

2. COR-00002: Audio recording (CD) from Sgt. Bradley's conversation with Plaintiff.
3. COR-00003 – COR-00005: Reno Police Report dated 12/19/15 by Ofc. Andrew Hickman.
4. COR-00006: Reno Police Report dated 12/19/15 by Ofc. Travis Look.
5. COR-00007 – COR-00008: Reno Police Report dated 12/19/15 by Ofc. Jeremie Pordon.
6. COR-00009 – COR-00010: Reno Police Report dated 12/19/15 by Ofc. Joshua Sanford.
7. COR-00011: Reno Police Report dated 12/20/15 by Ofc. Travis Look.
8. COR-00012 – COR-00016: Use of Force Report.
9. COR-00017: Witness Statement from Eric Bunce.
10. COR-00018 – COR-00019: Register of Actions Case No. 15CR-17964.
11. COR-00020 – COR-00025: Final REMSA Report for Dawn Johnson.
12. COR-00026 – COR-00027: Reno Police Report dated 9/06/14 by Ofc. Lyle Duke Steffens.
13. COR-00028 – COR-00032: Reno Police Report dated 5/23/15 by Ofc. Daniel Bond.
14. COR-00033 – COR-00035: Reno Police Report dated 9/19/15 by Ofc. Brenton Ball.
15. COR-00036 – COR-00038: Reno Police Report dated 9/23/14 by Ofc. Kevin McMillin.
16. COR-00039 – COR-00319: Renown - Billing and Health Records for Dawn Carol Johnson.
17. COR-00320 – COR-00337: REMSA - Billing and Patient Care Reports for Dawn Carol Johnson.
18. COR-00338 – COR-00392: Reno Orthopaedic Clinic (ROC) - Medical Records and Billing for Dawn Carol Johnson.
19. COR-00393 – COR-00401: Dr. Ellen McBride - Medical Records and Billing for Dawn Carol Johnson.

- 1 20. COR-00402 – COR-00410: Great Basin Orthopaedics - Medical Records and Billing
2 for Dawn Carol Johnson.
- 3 21. COR-00411 – COR-00414: Reno Radiological Associates - Billing Records for Dawn
4 Carol Johnson.
- 5 22. COR-00415 – COR-00430: Carson Valley Medical Center - Medical Records and
6 Billing for Dawn Carol Johnson.
- 7 23. COR-00431 – COR-00435: Dr. Kent Gabriel - Medical Records for Dawn Carol
8 Johnson.
- 9 24. COR-00436 – COR-00446: Dr. Alan Bottenberg - Billing and Medical Records for
10 Dawn Carol Johnson.
- 11 25. COR-00447 – COR-00453: Northern Nevada Emergency Physicians - Billing
12 Records for Dawn Carol Johnson.
- 13 26. The Defendants also reserves the right to use any documents identified by the
14 Plaintiff in this case.
- 15 27. The Defendants also reserves the right to supplement its list of documents.

16 (b) As to the following additional exhibits, the parties have reached the stipulations stated:

17 (1) Set forth stipulations on plaintiff's exhibits.

18 None

19 (2) Set forth stipulations on defendant's exhibits.

20 None

21 (c) As to the following exhibits, the party against whom the same will be offered objects to their
22 admission on the grounds stated:

23 (1) Set forth the plaintiff's exhibits and objections to them.

24 Defendants object to Plaintiff's exhibits 12, 14 and 15 on the grounds of relevance.

25 (2) Set forth the defendant's exhibits and objections to them.

26 Plaintiff objects to the use of Exhibit COR-00017: Witness Statement from Eric Bunce as
27 hearsay. Plaintiff objects to the use of any other instances of alleged domestic violence between the
28 Plaintiff and Raymond Carter on the basis of relevance.

1 (d) Electronic evidence:

2 Plaintiff and Defendants intend to use video and voice recordings.

3 (e) Depositions:

4 (1) Plaintiff will offer the following depositions:

5 Deposition of Thomas Christensen, MD

6 Deposition of Raymond Carter

7 (2) Defendant will offer the following depositions: None.

8 (f) Objections to Depositions:

9 (1) Defendant objects to plaintiff's depositions as follows:

10 (2) Plaintiff objects to defendant's depositions as follows:

11 Defendants object to the deposition and testimony of Thomas Christensen, M.D. on the
12 ground that he was retained to give expert testimony as to the cause of the injury to Johnson's left
13 humerus bone, but he was not disclosed as an Expert and did not produce a report as required by
14 Fed.R.Civ. P. 26 (a)(2).

15 VII.

16 THE FOLLOWING WITNESSES MAY BE CALLED BY THE PARTIES AT TRIAL:

17 (a) Provide names and addresses of plaintiff's witnesses.

18 1. Dawn Johnson
19 c/o Nicholas C. Palmer, Esq
20 630 E. Plumb Lane
21 Reno, Nevada 89502

22 2. Officer Andrew Hickman
23 c/o City of Reno

24 3. Officer Travis Look
25 c/o City of Reno

26 4. Officer Jeremy Pordon
27 c/o City of Reno

28 5. Raymond Carter
4959 Talbot Ln #166
Reno, NV 89509

1 (775) 671-4107

2 6. Charlie Palian
3 Washoe County
4 911 Parr Blvd.
5 Reno, NV 89512

6 7. James O'Doan
7 c/o Luke Andrew Busby, Ltd.
8 216 East Liberty St.
9 Reno, NV 89501

10 8. All of Plaintiffs' medical providers who are expected to testify as to their treatment and
11 diagnosis of Plaintiffs' injuries, including but not limited to:

12 (a) Remsa Ambulance
13 450 Edison Way
14 Reno, Nevada 89502
15 775-858-5700

16 (b) Renown Regional Medical Center
17 1155 Mill Street
18 Reno, NV 89502
19 775-982-4100

20 (c) Northern Nevada Emergency Physicians
21 P.O. Box 95728
22 Oklahoma City, OK 73143
23 800-225-0953

24 (d) Reno Radiological Associates
25 P.O. Box 3215
26 Indianapolis, IN 46206

27 (e) Reno Orthopaedic Clinic
28 555 N. Arlington Avenue
Reno, NV 89503
715-786-3040

(f) B Bottenberg Practice
550 W. Washington Street, Suite 1
Carson City, NV 89703
775-883-3953

1 (g) Carson Valley Medical Center
2 1107 Highway 395
3 Gardnerville, NV 89410
775-782-1625

4 (h) Thea Berning, M.D.
5 Renown Medical Center
6 1155 Mill Street
Reno, Nevada 89502

7 (i) Thomas Christensen, MD
8 Reno Orthopaedic Clinic
9 555 North Arlington Avenue
Reno, Nevada 89503

10 (j) Great Basin Orthopaedics
11 Aaron J. Dickens, M.D.
12 845 Aitken Street
Reno, Nevada 89502

13 (k) Ellen B. McBride, M.D.
14 540 West Plumb Lane, Suite 1B
15 Reno, Nevada 89509

16 (l) Kent W. Gabriel, M.D., F.A.C.S.
17 704 W. Nye Lane, Suite 102
Carson City, Nevada 89703

18 Plaintiff incorporates all witnesses listed by other parties.

19 (b) Provide names and addresses of defendant's witnesses.

- 20 1. Dawn Johnson
21 c/o Nik Palmer, Esq.
22 The Law Firm of Laub & Laub
23 630 E. Plumb Lane
Reno, NV 89502
- 24 2. Raymond Carter
25 4959 Talbot Ln #166
Reno, NV 89509
- 26 3. Reno Police Officer Joshua Sanford
27 c/o Reno City Attorney's Office
28 William E. Cooper, Esq.

1 P.O. Box 1900
2 Reno, NV 89501

3 4. Reno Police Sergeant Justin Bradley
4 c/o Reno City Attorney's Office
5 William E. Cooper, Esq.
6 P.O. Box 1900
7 Reno, NV 89501

8 5. Reno Police Sergeant Colby Palmer
9 c/o Reno City Attorney's Office
10 William E. Cooper, Esq.
11 P.O. Box 1900
12 Reno, NV 89501

13 6. Reno Police Lieutenant Zachary Thew
14 c/o Reno City Attorney's Office
15 William E. Cooper, Esq.
16 P.O. Box 1900
17 Reno, NV 89501

18 7. Reno Police Officer Andrew Hickman
19 c/o Reno City Attorney's Office
20 William E. Cooper, Esq.
21 P.O. Box 1900
22 Reno, NV 89501

23 8. Reno Police Officer Travis Look
24 c/o Reno City Attorney's Office
25 William E. Cooper, Esq.
26 P.O. Box 1900
27 Reno, NV 89501

28 9. Reno Police Officer Jeremie Pardon
c/o Reno City Attorney's Office
William E. Cooper, Esq.
P.O. Box 1900
Reno, NV 89501

10. Reno Police Officer Brandon Neagle
c/o Reno City Attorney's Office

1 William E. Cooper, Esq.
2 P.O. Box 1900
3 Reno, NV 89501

4 11. Sparks Police Officer Scott Bader
5 c/o Sparks Police Department
6 1701 E. Prater Way
7 Sparks, NV 89434

8 12. Eric Bunce
9 2144 Tanger Ct.
10 Sparks, NV 89441

11 13. Dr. Thea Berning, MD
12 c/o Renown Regional Medical Center
13 1155 Mill Street
14 Reno, NV 89502

15 14. Washoe County Sheriff Sergeant Bailey
16 c/o Washoe County Sheriff's Office
17 911 E. Parr Blvd.
18 Reno, NV 89512

19 15. Washoe County Sheriff Lieutenant Barboza
20 c/o Washoe County Sheriff's Office
21 911 E. Parr Blvd.
22 Reno, NV 89512

23 16. Avery Baldwin
24 c/o REMSA
25 450 Edison Way
26 Reno, NV 89502

27 17. Sean Saulnier
28 c/o REMSA
450 Edison Way
Reno, NV 89502

18. Person Most Knowledgeable, Reno Municipal Court
c/o City of Reno Municipal Court
1 S. Sierra Street
Reno, NV 89501

19. Reno Police Officer Lyle Duke Steffens

1 c/o Reno City Attorney's Office
2 William E. Cooper, Esq.
3 P.O. Box 1900
4 Reno, NV 89501

5 20. Reno Police Officer M. Herrera
6 c/o Reno City Attorney's Office
7 William E. Cooper, Esq.
8 P.O. Box 1900
9 Reno, NV 89501

10 21. Reno Police Officer Pete Rinaldo
11 c/o Reno City Attorney's Office
12 William E. Cooper, Esq.
13 P.O. Box 1900
14 Reno, NV 89501

15 22. Officer Kevin McMillin
16 c/o Reno City Attorney's Office
17 William E. Cooper, Esq.
18 P.O. Box 1900
19 Reno, NV 89501

20 23. James David Nelson
21 c/o Applebee's Restaurant
22 4805 Kietzke Lane
23 Reno, NV 89509

24 24. Reno Police Officer Daniel Bond
25 c/o Reno City Attorney's Office
26 William E. Cooper, Esq.
27 P.O. Box 1900
28 Reno, NV 89501

25 25. Reno Police Sergeant Wade Clark
26 c/o Reno City Attorney's Office
27 William E. Cooper, Esq.
28 P.O. Box 1900
Reno, NV 89501

26 26. Reno Police Officer Eric Hague
27 c/o Reno City Attorney's Office
28 William E. Cooper, Esq.

1 P.O. Box 1900
2 Reno, NV 89501

3 27. Reno Police Officer Brenton Ball
4 c/o Reno City Attorney's Office
5 William E. Cooper, Esq.
6 P.O. Box 1900
7 Reno, NV 89501

8 28. Reno Police Officer Nicholas Smith
9 c/o Reno City Attorney's Office
10 William E. Cooper, Esq.
11 P.O. Box 1900
12 Reno, NV 89501

13 29. Person Most Knowledgeable/Custodian of Records
14 Renown Health
15 1285 Financial Blvd.
16 Reno, NV 89502

17 30. Person Most Knowledgeable/Custodian of Records
18 REMSA
19 450 Edison Way
20 Reno, NV 89502

21 31. Person Most Knowledgeable/Custodian of Records
22 B Bottenberg Practice
23 4095 N. Carson Street
24 Carson City, NV 89506

25 32. Person Most Knowledgeable/Custodian of Records
26 Northern Nevada Emergency Physicians
27 748 South Meadows Ste A9-336
28 Reno, NV 89521

33. Person Most Knowledgeable/Custodian of Records
Carson Valley Medical Center
1107 Highway 395 North
Gardnerville, NV 89410

1 34. Mary Smith, R.N.
2 Carson Valley Medical Center
3 1107 Highway 395 North
4 Gardnerville, NV 89410

5 35. Dr. Kent W. Gabriel, M.D., F.A.C.S.
6 704 W. Nye Lane, Ste. 102
7 Carson City, NV 89703

8 36. Dr. Ellen B. McBride, M.D.
9 540 W. Plumb Lane #1B
10 Reno, NV 89509

11 37. Any witness identified by Plaintiff DAWN JOHNSON.

12 **VIII.**

13 **OFFERED TRIAL DATES**

14 The attorneys or parties have met and jointly offer these three trial dates:

- 15 1. August 20-24, 2018
16 2. October 22-26, 2018
17 3. January 14-18, 2019

18 It is expressly understood by the undersigned that the court will set the trial of this matter on one of
19 the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's
20 calendar.

21 **IX.**

22 **ESTIMATED TRIAL LENGTH**

23 It is estimated that the trial will take a total of seven days.

24 **APPROVED AS TO FORM AND CONTENT:**

25 s/ Nik Palmer _____ Signature of Attorney for Plaintiff

26 s/William Cooper _____ Signature of Attorney for Defendant

X.

ACTION BY THE COURT

ACTION BY THE COURT This case is set for court/jury trial on the fixed/stacked calendar on _____ . Calendar call will be held on _____. This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their attorneys hereon, and the order is hereby entered and will govern the trial of this case. This order may not be amended except by court order and based upon the parties' agreement or to prevent manifest injustice.

DATED: _____

UNITED STATES DISTRICT JUDGE or
UNITED STATES MAGISTRATE JUDGE